

# Senate Daily Reader

**Tuesday, January 18, 2000**

[illegible]

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

285D0080

## SENATE TAXATION COMMITTEE ENGROSSED NO. **SB7** - 1/14/00

Introduced by: Senators Symens, Madden, and Vitter and Representatives McNenny, Chicoine, Engbrecht, Juhnke, Lintz, Sebert, Slaughter, Sutton (Duane), Waltman, and Young at the request of the Interim Tax Assessment Committee

1 FOR AN ACT ENTITLED, An Act to remove the legal presumption of correctness which  
2 attaches to the assessed valuation determined by the director of equalization.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-3-16 be amended to read as follows:

5 10-3-16. The director of equalization, ~~and his deputies~~, shall assess for taxation all property  
6 subject to taxation, except property which the secretary of revenue has been directed to assess,  
7 which is situated in the county or municipality for which the director is appointed, including all  
8 property located within the corporate limits of ~~municipalities~~ each municipality. No legal  
9 presumption of correctness attaches to the director's assessed valuation of property. Each county  
10 in this state is an assessment district.

11 Section 2. This Act is effective on November 1, 2000.

1    **BILL HISTORY**

2    1/11/00 First read in Senate and referred to Taxation. S.J. 15

3    1/14/00 Scheduled for Committee hearing on this date.

4    1/14/00 Taxation Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 43

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

400D0318

## SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB30** - 1/14/00

Introduced by: The Committee on Judiciary at the request of the Department of Game, Fish,  
and Parks

1 FOR AN ACT ENTITLED, An Act to revise the procedures and causes for revocation of certain  
2 hunting, fishing, and trapping privileges, and to provide a penalty.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 41-6-74.1 be amended to read as follows:

5 41-6-74.1. ~~The court shall revoke a person's hunting, fishing, or trapping privilege for a~~  
6 ~~period of one year following the~~ At the time of conviction for any one of the following offenses:

7 (1) Violation of any game and fish law punishable as a ~~felony~~ or Class 1 misdemeanor;

8 (2) Violation of § 41-8-17, 41-8-37, 41-9-1.2, or 41-12-12;

9 (3) Violation of any other ~~law~~ statute or rule pertaining to fishing, hunting, or possessing  
10 game or game fish without a license or during a closed season; or

11 (4) Taking or possessing in excess of the lawful daily or possession limit:

12 (a) One or two paddlefish;

13 (b) Two or three turkeys;

14 (c) Four to six, inclusive, of any one game fish as regulated other than paddlefish;

15 (d) Four to six, inclusive, of any one small game animal as regulated;

16 the person's applicable hunting, fishing, or trapping privileges in South Dakota are automatically

revoked without further hearing for a period of one year following date of conviction.

Section 2. That § 41-6-74.2 be amended to read as follows:

~~41-6-74.2. The court shall revoke a person's hunting, fishing, or trapping privilege for a period of two to five years, inclusive, following the~~ At the time of conviction for taking or possessing in excess of the lawful daily or possession limit any of the following:

(1) Three or more paddlefish;

(2) Four or more turkeys;

(3) Seven or more of any one game fish as regulated other than paddlefish;

(4) Seven or more of any one small game animal as regulated; or

(5) Two or more big animals, except turkeys;

the person's applicable hunting, fishing, or trapping privileges in South Dakota are automatically revoked without further hearing for a period of three years following date of conviction.

Section 3. That § 41-6-74.3 be amended to read as follows:

41-6-74.3. If a person's ~~license~~ privilege has been revoked pursuant to § 41-6-74.1 or 41-6-74.2, the ~~court shall require the license holder to~~ person, if present at the time of conviction, shall immediately surrender and deliver the license to the court or clerk of courts at which time the revocation shall be noted on the face of the license by the court or clerk of courts and the license returned to the Department of Game, Fish and Parks. If the person is not present at the time of conviction, the person shall within fourteen days of the conviction deliver and return the license to the Department of Game, Fish and Parks. A violation of this section is a Class 2 misdemeanor. If the person has a combination license, the revocation shall be noted on the face of the license and the license shall be returned to the person to remain valid for the other purposes permitted by the license. For the purposes of §§ 41-6-74.1 and 41-6-74.2, the term, conviction, is defined as provided in § 32-12-53.

1    **BILL HISTORY**

2    1/11/00 First read in Senate and referred to Judiciary. S.J. 19

3    1/14/00 Scheduled for Committee hearing on this date.

4    1/14/00 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 42

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

400D0328

## SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB33** - 1/14/00

Introduced by: The Committee on Commerce at the request of the Department of Commerce  
and Regulation

1 FOR AN ACT ENTITLED, An Act to define the duty of insurers and rights of consumers with  
2 regard to auto insurance damage claims.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 58-12 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 For the purposes of this Act, paintless dent repair is any auto body repair that removes minor  
7 dents by using specifically designed tools to manipulate and flex the metal from the backside of  
8 the dent without the necessity of sanding, priming, or painting.

9 Section 2. That chapter 58-12 be amended by adding thereto a NEW SECTION to read as  
10 follows:

11 Any insurer providing commercial or personal motor vehicle insurance in this state  
12 responsible for repairing a damaged vehicle for which it is liable shall provide sufficient  
13 compensation to the insured to restore the vehicle to substantially the same physical condition  
14 as prior to the damage, regardless of whether the insured actually chooses to repair the vehicle.  
15 The insurer may adjust claims based in whole or in part upon the paintless dent repair method  
16 if:

- 1       (1)   The damage is such that the paintless dent repair method is likely to place the  
2           damaged area or a portion thereof in substantially the same condition as prior to the  
3           damage;
- 4       (2)   A paintless dent repair shop holding a South Dakota sales tax license is willing to  
5           perform the work as estimated within a reasonable time frame in the local market area  
6           of the insured; and
- 7       (3)   The written estimate provided to the insured prominently discloses the following:
  - 8           (a)   That the repair estimate is based in whole or in part upon the paintless dent  
9                repair method. Each item of damage adjusted using that method shall be  
10              identified;
  - 11           (b)   That paintless dent repair may not be the appropriate repair method for all  
12                types of damage;
  - 13           (c)   That, if the insurer is liable for the damage listed on the estimate, the insurer  
14                shall provide sufficient compensation to restore the vehicle to substantially the  
15                same physical condition; and
  - 16           (d)   That for any damage which paintless dent repair is appropriate, the insured may  
17                choose not to repair the vehicle or to have the vehicle repaired using a different  
18                method of repair. If the insured chooses either of these options, the insurer is  
19                liable only for the cost of the paintless dent repair method.

20       If, for any portion of the vehicle's damage that the insurer has a duty to repair, the paintless  
21       dent repair method is inappropriate, the insurer shall compensate the insured for the amount  
22       necessary to complete the repairs in the local market area of the insured. The insurer may not  
23       require the insured to travel an unreasonable distance to obtain a repair estimate or to have the  
24       vehicle repaired. The insurer may not name a repair shop as payee on a compensation check or  
25       draft unless agreed to by the insured.



1    **BILL HISTORY**

2    1/11/00 First read in Senate and referred to Commerce. S.J. 20

3    1/13/00 Scheduled for Committee hearing on this date.

4    1/13/00 Commerce Do Pass Amended, Passed, AYES 5, NAYS 0. S.J. 36

5    1/13/00 Commerce Place on Consent Calendar.